

of Supervisors thereof have delegated to their respective clerks authority to receive notices and petitions for the establishment of roads, to appoint commissioners to view the same, to receive the reports of such commissioners, and to set the days of final hearing thereon; and

WHEREAS, Such clerks have exercised said powers, and a great many county roads have been established in pursuance of such acts by said clerks; and

WHEREAS, The Supreme Court has decided that said Board[s] of Supervisors have not the power under the law to delegate such authority to their clerks: therefore, to the end that trouble and litigation may be prevented,

Co. roads established, by county clerks acting for the board of supervisors, legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all county roads heretofore established in the manner aforesaid, by delegating all or any of the powers aforesaid to said clerks, or by said clerks exercising all or any of said powers, be and the same are hereby legalized, and declared to be of the

Not to apply to cases in district court to the injury of parties.

same validity as if all the powers aforesaid delegated to said clerks and exercised by them, had been exercised by the said Board[s] of Supervisors according to law: *Provided*, This act shall not apply to cases now in the district court, to the injury of the litigants.

Taking effect.

Sec. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and daily Evening Statesman, newspapers published in Des Moines, Iowa.

Approved March 17, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 19, 1868, and in *The Iowa Evening Statesman* March 23, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 36.

FOR SETTLEMENT OF CLAIMS CONNECTED WITH CROTON AND PLYMOUTH DAMS, DES MOINES RIVER.

MARCH 18. AN ACT supplemental to Chapter 23 of the Laws of the Eleventh General Assembly, providing for the Settlement of Contracts and Claims growing out of the Des Moines River Improvement.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Iowa, That there is hereby appropriated out of any moneys in the hands of the Treasurer of State arising from the sales of the lands mentioned in section four, chapter 108 of the laws of the Tenth General Assembly, the sum of twenty-six thousand three hundred and nineteen dollars and thirty cents, for the payment of the following claims, to wit: Wells & Co., for repairs on the Croton dam, in the fall of 1861, the sum of fifteen hundred dollars; Gray & Co., for repairs upon said dam, in the years 1862 and 1863, the sum of two thousand dollars; Wells & Co., for repairs upon said dam, in the year 1866, the sum of twenty-eight hundred and sixteen dollars; Hogsett & Chidister, for repairs on said dam in the year 1866, one hundred and seventy-four $\frac{2}{100}$ dollars; and to Wells & Co., the further sum of eight thousand five hundred and nine dollars and seventy-five cents, in consideration and for the purpose of rebuilding said dam at Croton, and for the releases as hereinafter stipulated; and to O. H. P. Scott for the cancellation and surrender of the original contract, of the State of Iowa, made through H. W. Sample, as President of the Board of Public Works, with John McCune and Charles F. McCune, dated 5th of March, 1849, for the construction of a lock and dam at Plymouth, together with all the supplemental contracts respecting said lock and dam, (which original and supplemental contracts are now held by said Scott as assignee,) and also for the surrender of all rights to him (Scott) accruing as assignee of the contract of the State of Iowa, made to Jonas Houghton for the lease of water-power for and with J. twelve run of stone at Plymouth, and for the releases hereinafter provided, and for the building of the dam at Plymouth, as hereinafter stipulated, the sum of eleven thousand dollars; and to the estate of E. Mayne for releases, and building the sum of one hundred and sixteen and $\frac{10}{100}$ dollars; to Ed. Johns[t]on the sum of ninety-one and $\frac{5}{100}$ dollars; to J. E. Jewett, ninety dollars; and to Sample and Kenley twenty dollars; with interest from March 28th, 1864, on each of the four last mentioned sums, the same having been allowed to said parties respectively by section 9, chapter 108, acts of the Tenth General Assembly, and the Auditor of State is hereby required to draw warrants therefor, upon the written application of the said parties or their assignees, which warrants shall be payable out of the moneys mentioned in section one, chapter 22 of the laws of the Eleventh

Appropriat'n for certain claims.

1864, ch. 108.

\$28,319.30

appropriat'd.

Croton dam,

Wells & Co.,

\$1,500.

Gray & Co.,

\$2,000.

Wells & Co.,

\$2,816.

Hogsett &

Chidister,

\$174.25.

Wells & Co.,

\$8,509.75,

Rebuilding

dam.

Plymouth

dam.

O. H. P. Scott

for surrender

of contracts

of State with

J. & C. F. Mc-

Cune for lock

and dam,

1866, ch. 22. General Assembly, and shall draw interest at the rate of seven per cent. per annum.

SEC. 2. The warrants issued under the provisions of this act shall be receivable in payment for lands sold under the provisions of the various acts relating to the sale of lands mentioned in section one of this act.

SEC. 3. Before the said parties mentioned in section one of this act shall be entitled to receive any of the

Parties to sur- render leases, and release State and D. M. V. R.R. Co. from liabilities for Croton dam. warrants hereinbefore provided for, they shall surrender to the State of Iowa, all leases held by them, of every kind and description, and shall release the State of Iowa and the Des Moines Valley Railroad Company from all present and future liabilities growing out of or incident to any of the matters, by lease or otherwise, pertaining to the Croton dam. And before said O. H. P. Scott shall be entitled to receive the warrants coming to him as hereinbefore provided, he shall surrender to the State of Iowa, and release the State of Iowa and the Des Moines Valley Railroad Company from all liability upon, the original contract of the State of Iowa, and all supplemental contracts for the building a lock and dam at Plymouth, and shall also surrender to the State of Iowa all rights arising thereunder, and release the State and the Des Moines Valley Railroad Company from all past, present and future liability upon or on account of the contract or lease of water-power originally made by the State to Jonas Houghton for twelve run of stone at Plymouth, and from all liability present and future growing out of or connected with said dam and water-power at Plymouth, and shall also file in the Register's office satisfactory evidence of the assignments of the same to him, and shall complete the dam at Plymouth at his own cost and expense, within five years from the passage of this act.

O. H. P. Scott to surrender contract, and release State and D. M. V. R.R. from liability for contracts for Plymouth lock and dam; release same for liability for lease of water power at Plymouth, and from liability for Plymouth dam & water power; file evidence of assignm'ts with Register State L. O.; and complete dam in 5 yrs.

SEC. 4. Upon the execution of the releases provided for in section three of this act to the State of Iowa, and the Des Moines Valley Railroad Company, and upon filing satisfactory evidence of such releases in the Register's office of the State of Iowa, the Governor shall upon the written request of the said railroad company execute a conveyance, in the name of the State of Iowa, to said Wells and Company, without warranty, of the lock and dam at Croton, and of the lands appurtenant on either side of the river, and the water-power thereto belonging. And when said O. H. P. Scott shall surrender to the State of Iowa the original and supplemental contracts aforesaid for the construction of a lock and dam at Plymouth, and shall discharge the State

Governor to execute conveyance to Wells & Co, of Croton lock & dam, &c.

and the Des Moines Valley Railroad Company from all liability arising thereunder, and when he shall discharge the State and said railroad company from all past and future liability upon the lease of water-power at Plymouth aforesaid, and from all past and future liability growing out of or connected with said lock, dam, water-power or leases, and shall file satisfactory evidence of such releases and discharge and surrender in the Register's office of said State, the Governor shall upon the certificate of the Register of Gov'n'r, upon the State Land-Office of the completion of said dam certificate of execute a conveyance, without warranty, in the name Reg. State L. of the State of Iowa, to said O. H. P. Scott, of the lock O., to execute and dam at Plymouth, and of the lands appurtenant on convey'nceto O. H. P. Scott either side of the river, bought by the State of Iowa, for Plymouth lock & dam, for the use of mill-yards, being about eight acres in all, &c. with the exclusive right to the said Scott, to use the water-power created by the construction of such dam, State releas'd and any other privileges connected therewith; and the from liability State of Iowa is hereby released from all liability to repair Ply- mouth dam. keep said dam in repair.

SEC. 5. Whereas all liabilities past, present and future, of every kind and description growing out of Former act or connected with the water-leases or water-power settl'g claims and with building of the locks and dams at Keosauqua, qua, Bentons- Bentonsport and Bonaparte, have heretofore been port & Bona- adjusted and settled, and the State of Iowa and the parte locks & said railroad company have been released therefrom; dams; now, therefore, this act is intended to be, and is a full this act a final complete and final settlement of all claims and liabilities, settlement of present and future, against the State of Iowa and said liabilities for railroad company, growing out of or connected with Plymouth & the water-leases and the building the locks and dams and dams. at Plymouth and Croton.

SEC. 6. This act, being deemed of immediate importance, shall take effect and be in force from and after Taking effect. its publication in the Iowa State Register and Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved March 18, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 21, 1868, and in *The Iowa Evening Statesman* March 23, 1868.

ED WRIGHT, *Secretary of State.*